

HOUSE BILL No. 1126

DIGEST OF INTRODUCED BILL

Citations Affected: IC 6-3.5-5; IC 6-6-5.5.

Synopsis: Logistics development incentives. Authorizes a county to adopt an ordinance providing a temporary exemption from the wheel tax for vehicles owned and used in the operation of twenty-first century logistics enterprises at certain locations. Authorizes a county to adopt an ordinance providing a temporary exemption from the commercial vehicle excise tax for vehicles owned and used in the operation of twenty-first century logistics enterprises at certain locations. Limits the exemptions to vehicles owned and used at a new logistics enterprise or in the expansion of the fleet of an existing logistics enterprise. Allows exemptions for certain registration years beginning after December 31, 2011, and ending before January 1, 2017. Requires the Indiana economic development corporation to certify the owner's eligibility for an exemption.

Effective: July 1, 2010.

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January 7, 2010, read first time and referred to Committee on Ways and Means.

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Second Regular Session 116th General Assembly (2010)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2009 Regular and Special Sessions of the General Assembly.

HOUSE BILL No. 1126

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 6-3.5-5-1.5 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2010]: **Sec. 1.5. (a) As used in this chapter, "adopting county"**
4 **means a county that adopts an exemption ordinance under section**
5 **3.5(a) of this chapter.**

6 **(b) As used in this chapter unless the context clearly denotes**
7 **otherwise, "corporation" refers to the Indiana economic**
8 **development corporation established by IC 5-28-3-1.**

9 **(c) As used in this chapter, "qualified location" refers to a site**
10 **located in an adopting county that satisfies either of the following**
11 **requirements:**

- 12 **(1) The site is located not more than three (3) miles from:**
13 **(A) an interstate highway or a state highway (as defined in**
14 **IC 8-14-10-4);**
15 **(B) an airport;**
16 **(C) a port;**
17 **(D) a freight railroad depot;**



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- (E) a railroad yard;
- (F) a classification yard;
- (G) an intermodal port; or
- (H) a commuter rail station.

(2) The site is a brownfield (as defined in IC 13-11-2-19.3).

(d) As used in this chapter, "qualified logistics enterprise" refers to a business enterprise engaged in twenty-first century logistics (as described in IC 5-28-10-4(4)).

(e) As used in this chapter, "qualified vehicle" refers to a commercial motor vehicle that is:

- (1) owned by a person that operates a qualified logistics enterprise;
- (2) registered for use in Indiana; and
- (3) primarily used at a qualified location.

SECTION 2. IC 6-3.5-5-3.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 3.5. (a) A county fiscal body may provide a temporary exemption from the tax imposed under this chapter by adopting an exemption ordinance after December 31, 2010, and before November 1, 2011. The county fiscal body shall send a certified copy of an ordinance adopted under this subsection to the bureau, the department, and the corporation.

(b) An exemption ordinance must specify that the exemption provided by this section applies to the taxes imposed under this chapter for:

- (1) the first registration year beginning after December 31, 2011, that a qualified vehicle is used at the owner's qualified logistics enterprise; and
- (2) each successive registration year ending before January 1, 2017, that the qualified vehicle is used at the owner's qualified logistics enterprise.

(c) Subject to the requirements of this section and section 3.7 of this chapter, the owner of a qualified vehicle may claim an exemption under this section in an adopting county if:

- (1) the qualified vehicle is used at a qualified logistics enterprise that commences operations at a qualified location after December 31, 2011; or
- (2) the qualified vehicle is purchased as part of a fleet expansion that satisfies both of the following requirements:
 - (A) The vehicle is added to the owner's fleet after December 31, 2011.
 - (B) The vehicle is added to a fleet owned by a person

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engaged in a qualified logistics enterprise at a qualified location before January 1, 2012.

(d) The exemption may be claimed for each registration year permitted by the exemption ordinance on forms prescribed by the department or the bureau, whichever is appropriate.

(e) To claim an exemption under this section, the owner of a qualified vehicle must submit to the department or the bureau, whichever is appropriate, the following documents when registering the vehicle:

(1) A copy of the certificate of eligibility issued under section 3.7 of this chapter.

(2) The forms required by subsection (d).

(f) The exemption provided by this section does not exempt a qualified vehicle from the registration requirements of the International Registration Plan or IC 9-18.

(g) Any business that substantially reduces or ceases an operation located in Indiana and outside a qualified location in order to relocate in a qualified location in an adopting county is disqualified from receiving an exemption under this section.

SECTION 3. IC 6-3.5-5-3.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 3.7. (a) The owner of a qualified vehicle in an adopting county may not claim an exemption under section 3.5 of this chapter unless the corporation determines that the owner is eligible to receive the exemption.

(b) If the corporation determines that the owner of a qualified vehicle is eligible for an exemption under section 3.5 of this chapter, the corporation shall issue a certificate of eligibility to the owner of the commercial vehicle.

SECTION 4. IC 6-3.5-5-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 4. A vehicle is exempt from the wheel tax imposed under this chapter if the vehicle is:

(1) owned by this state;

(2) owned by a state agency of this state;

(3) owned by a political subdivision of this state;

(4) subject to the annual license excise surtax imposed under IC 6-3.5-4; or

(5) a bus owned and operated by a religious or nonprofit youth organization and used to haul persons to religious services or for the benefit of their members; or

(6) granted an exemption under section 3.5 of this chapter.

SECTION 5. IC 6-6-5.5-1.5 IS ADDED TO THE INDIANA CODE

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AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: **Sec. 1.5. (a) As used in this chapter, "adopting county" means a county that adopts an exemption ordinance under section 3.5(a) of this chapter.**

(b) As used in this chapter unless the context clearly denotes otherwise, "corporation" refers to the Indiana economic development corporation established by IC 5-28-3-1.

(c) As used in this chapter, "qualified location" refers to a site located in an adopting county that satisfies either of the following requirements:

(1) The site is located not more than three (3) miles from:

(A) an interstate highway or a state highway (as defined in IC 8-14-10-4);

(B) an airport;

(C) a port;

(D) a freight railroad depot;

(E) a railroad yard;

(F) a classification yard;

(G) an intermodal port; or

(H) a commuter rail station.

(2) The site is a brownfield (as defined in IC 13-11-2-19.3).

(d) As used in this chapter, "qualified logistics enterprise" refers to a business enterprise engaged in twenty-first century logistics (as described in IC 5-28-10-4(4)).

(e) As used in this chapter, "qualified vehicle" refers to a commercial vehicle that is:

(1) owned by a person that operates a qualified logistics enterprise;

(2) registered for use in Indiana; and

(3) primarily used at a qualified location.

SECTION 6. IC 6-6-5.5-3.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 3.5. (a) A county fiscal body may provide a temporary exemption from the tax imposed by this chapter by adopting an exemption ordinance after December 31, 2010, and before November 1, 2011. The county fiscal body shall send a certified copy of an ordinance adopted under this subsection to the bureau, the department, and the corporation.

(b) An exemption ordinance must specify that the exemption provided by this section applies to the taxes imposed by this chapter for:

(1) the first registration year beginning after December 31,

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2011, that a qualified vehicle is used at the owner's qualified logistics enterprise; and

(2) each successive registration year ending before January 1, 2017, that the qualified vehicle is used at the owner's qualified logistics enterprise.

(c) Subject to the requirements of this section and section 3.7 of this chapter, the owner of a qualified vehicle may claim an exemption under this section in an adopting county if:

(1) the qualified vehicle is used at a qualified logistics enterprise that commences operations at a qualified location after December 31, 2011; or

(2) the qualified vehicle is purchased as part of a fleet expansion that satisfies both of the following requirements:

(A) The vehicle is added to the owner's fleet after December 31, 2011.

(B) The vehicle is added to a fleet owned by a person engaged in a qualified logistics enterprise at a qualified location before January 1, 2012.

(d) The exemption may be claimed for each registration year on forms prescribed by the department or the bureau, whichever is appropriate.

(e) To claim an exemption under this section, the owner of a qualified vehicle must submit to the department or the bureau, whichever is appropriate, the following documents when registering the vehicle:

(1) A copy of the certificate of eligibility issued under section 3.7 of this chapter.

(2) The forms required by subsection (d).

(f) The exemption provided by this section does not exempt a qualified vehicle from the registration requirements of the International Registration Plan or IC 9-18.

(g) Any business that substantially reduces or ceases an operation located in Indiana and outside a qualified location in order to relocate in a qualified location in an adopting county is disqualified from receiving an exemption under this section.

SECTION 7. IC 6-6-5.5-3.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 3.7. (a) The owner of a qualified vehicle in an adopting county may not claim an exemption under section 3.5 of this chapter unless the corporation determines that the owner is eligible to receive an exemption.

(b) If the corporation determines that the owner of the vehicle

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1 is eligible for an exemption under section 3.5 of this chapter, the
2 corporation shall issue a certificate of eligibility to the owner of the
3 commercial vehicle.

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